

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

JEREMY R. BEHLMANN,

Petitioner,

v.

STATE OF MISSOURI,

Respondent.

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No. 2:17-cv-56-SPM

MEMORANDUM AND ORDER

This matter is before the Court upon the notice of removal filed by Jeremy R. Behlmann, in which he seeks to remove the case *State v. Behlmann*, Case No. 16AU-CR00139 (12th Jud. Cir. Mar. 4, 2016), a criminal prosecution currently pending in the Circuit Court of Audrain County, Missouri. In that case, Behlmann is facing a felony charge of tampering with a judicial officer. Upon review of the notice of removal, the Court has determined that this action should be summarily remanded.

As the basis for removal, Behlmann states that Audrain County issued an unconstitutional civil commitment order; the civil commitment order caused him to be charged with crimes; he was given false promises regarding a plea deal; a civil commitment order was “turned into” a criminal prosecution; the judge and prosecutor violated certain Missouri Supreme Court rules; his First Amendment rights were violated; the prosecutor wrongfully filed the criminal complaint; corruption and a cover-up exist in Audrain County; and other such allegations. (Docket No. 1). The notice of removal does not contain copies of process, pleadings, or orders from the case.

Behlmann filed the notice of removal pursuant to 28 U.S.C. § 1455, which governs the removal of state criminal actions to the federal district courts. It provides, in relevant part, that a defendant desiring to remove a criminal prosecution must file a notice of removal that contains a short and plain statement of the grounds for removal, and a copy of all process, pleadings, and orders served upon the defendant in the action. Behlmann has not met these requirements because the notice of removal does not contain the required short and plain statement of the grounds for removal, and because Behlmann did not file a copy of all process, pleadings, and orders served upon him in the action. In addition, the Court notes that Behlmann fails to state grounds for removal pursuant to 28 U.S.C. § 1443. The Court will therefore remand this action pursuant to 28 U.S.C. § 1455(b)(4).

Accordingly,

IT IS HEREBY ORDERED that defendants' motion to proceed in forma pauperis (Docket No. 3) is **DENIED** as moot.

IT IS FURTHER ORDERED that this action is **REMANDED** to the 12th Judicial Circuit Court of Audrain County, Missouri.

IT IS FURTHER ORDERED that the Clerk shall forward a copy of this Order to the Circuit Court of Audrain County, Missouri.

Dated this 27th day of October, 2017.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE